



**SO ORDERED.**

**SIGNED this 14th day of January, 2020**

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.  
PLEASE SEE DOCKET FOR ENTRY DATE.**

  
Suzanne H. Bauknight  
UNITED STATES BANKRUPTCY JUDGE

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**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE**

In re

MICHAEL GENE NIKIRK  
dba INDEPENDANT TRANSPORT GROUP  
dba ITG EQUIPMENT SALES REPAIR  
KIMBERLY S. NIKIRK  
dba INDEPENDANT TRANSPORT GROUP  
dba ITG EQUIPMENT SALES REPAIR

Case No. 3:17-bk-30140-SHB  
Chapter 7

Debtors

KAPITUS SERVICING, INC., formerly  
COLONIAL FUNDING NETWORK, INC., as  
servicing provider for CORE BUSINESS FINANCE

Plaintiff

v.

Adv. Proc. No. 3:19-ap-3033-SHB

MICHAEL GENE NIKIRK and  
KIMBERLY S. NIKIRK

Defendants

**ORDER**

On January 13, 2020, Defendants filed a Motion to Strike the Plaintiff's Statement Regarding Mediation ("Motion to Strike") [Doc. 24], which was erroneously scheduled for hearing

for January 23, 2020, at 1:30 p.m. without approval from the Court and in violation of E.D. Tenn. LBR 7007-1 and a Motion to Shorten Time [Doc. 25], seeking to shorten the notice time for the erroneously scheduled hearing. Upon consideration of both documents, the Court directs the following:

1. The Motion to Strike [Doc. 24] is DENIED and is, instead, deemed by the Court to be a response to Plaintiff's Statement Regarding Mediation filed on January 13, 2020 [Doc. 23].
2. The hearing scheduled for January 23, 2020, at 1:30 p.m. is STRICKEN.
3. The Motion to Shorten Time [Doc. 25] is DENIED as moot.

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